

STATE OF CALIFORNIA
MEETING OF THE
CALIFORNIA INSPECTION & MAINTENANCE REVIEW
COMMITTEE

Tuesday, January 23, 2007

California Environmental Protection Agency
1001 I Street, Coastal Hearing Room, Second Floor
Sacramento, California

1 **MEMBERS PRESENT:**

2 JUDITH LAMARE, Vice Chair

3 DENNIS DECOTA

4 ELDON HEASTON

5 JOHN HISSERICH

6 BRUCE HOTCHKISS

7 ROGER NICKEY

8 Al "SKIP" SOLORZANO

9 JEFFREY WILLIAMS

10
11 **MEMBERS ABSENT:**

12 PAUL ARNEY

13 GIDEON KRACOV

14
15 **ALSO PRESENT:**

16 ROCKY CARLISLE, Executive Officer

17 STEVE GOULD, IMRC Consultant

18 JANET BAKER, Administrative Staff

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P R O C E E D I N G S

VICE CHAIR LAMARE: I'm calling the January meeting of the California Inspection and Maintenance Review Committee to order and I want to welcome all the Members of IMRC who are here today and also all the Members who are with us in this room, the Coastal Hearing Room. I understand we are webcast today. I would like to welcome all the web participants in the Committee hearing and make it as easy as possible for you to participate. Rocky, could you remind us how web participants can make comments today?

MR. CARLISLE: Yes, they can make comments using email and they can email Rocky_Carlisle@eca.ca.gov.

VICE CHAIR LAMARE: Rocky underscore -

MR. CARLISLE: Carlisle.

VICE CHAIR LAMARE: - Carlisle, C-A-R -

MR. CARLISLE: L-I-S-L-E.

VICE CHAIR LAMARE: L-I-S-L-E, at -

MR. CARLISLE: D-C-A dot C-A dot G-O-V.

VICE CHAIR LAMARE: Good.

MR. CARLISLE: And we'll read them as soon as we receive them.

VICE CHAIR LAMARE: And if anyone didn't get that, it is printed on today's agenda, which available at our website, IMReview.ca.gov. This is my first meeting chairing the Committee. I am very grateful to the Committee for electing me to be Acting Chair while we await the appointment by the

1 Governor of the new Chair of IMRC and this is a convenience
2 so that we can continue to keep meeting and I would invite
3 all the Members of the Committee to please give me a lot of
4 feedback, make sure these meetings run swiftly and
5 efficiently and that everyone gets heard fairly and
6 objectively. So let's begin by introducing Members of IMRC
7 and we are very blessed today to have a new Member of IMRC
8 that was appointed by the Governor quite recently. His name
9 is Al Skip Solorzano and Mr. Solorzano is a representative
10 of small business. He has been appointed to represent the
11 public on IMRC and will be a public member. He has no
12 special expertise or background in Smog Check. He's going
13 to be independent eyes and ears and speak up for the public,
14 but we are grateful that he does have a background in small
15 business issues, so that will help us out in sorting through
16 that aspect of our work. Welcome Mr. Solorzano.

17 MEMBER SOLORZANO: So, Roger, do you want to start the
18 introductions down there?

19 MEMBER NICKEY: I'm Roger Nickey and I do have experience in the
20 Smog Check Program.

21 VICE CHAIR LAMARE: And as a small businessman, maybe not so
22 small.

23 MEMBER HEASTON: Eldon Heaston.

24 MEMBER HISSERICH: John Hisserich.

25 MEMBER WILLIAMS: Jeffrey Williams.

1 MEMBER DECOTA: I'm Dennis DeCota.

2 VICE CHAIR LAMARE: I'm sorry, I didn't introduce myself in the
3 beginning, Dennis. I'm Jude Lamare and I'm Acting Chair.

4 MEMBER DECOTA: And welcome to your new position.

5 VICE CHAIR LAMARE: Thank you.

6 MEMBER DECOTA: Dennis DeCota.

7 MEMBER HOTCHKISS: Bruce Hotchkiss.

8 VICE CHAIR LAMARE: We are missing today two Members of our
9 Committee who were unable to attend; that's Paul Arney and
10 Gideon Kracov.

11 --oOo--

12 VICE CHAIR LAMARE: So the next item on the Agenda is the
13 approval of the minutes. Would the Members please take a
14 look at these minutes, which are under Tab 1.

15 MEMBER HISSERICH: I'll move approve of the minutes.

16 VICE CHAIR LAMARE: Thank you, John.

17 MEMBER DECOTA: I'll second that.

18 VICE CHAIR LAMARE: Thank you, Dennis. Moved by John Hisserich
19 and seconded by Dennis DeCota to approve the minutes from
20 our meeting of November 28th. Any further discussion? All
21 those in favor, please say aye.

22 ALL MEMBERS: Aye.

23 VICE CHAIR LAMARE: Anyone opposed? Anyone abstaining?

24 Unanimous.

25 --oOo--

1 VICE CHAIR LAMARE: Now we're going to turn briefly to the
2 Executive Officer's Activity Report. Rocky?

3 MR. CARLISLE: Thank you, Madam Chair, Members of the Committee.

4 As you know, on December 18th, we did send the report for
5 2006 to the Governor and legislature. We sent almost 200
6 copies because there were a lot of other interested parties
7 that requested copies. Since the distribution of that
8 report, I've had about six calls from the legislature on
9 various topics, so it appears at least somebody is reading
10 that report in the Capitol, which is exciting. I also took
11 Bud Rice's recommendation. He made the recommendation last
12 year that we ought to put a spreadsheet together and kind of
13 show, if you will, what we've recommended in the past and
14 what's been acted upon. And so this is just kind of a
15 spreadsheet, you also have a copy of this in your folder,
16 and it's the recommendations made for the 2004 report and
17 you can see some of these are under consideration and
18 discussion. For example, annual Smog Check inspection for
19 older model year vehicles, something we're going to be
20 talking about today. A visual smoke test, that was actually
21 enacted by AB1870. We made the recommendation, this is
22 based again on an ARB/BAR recommendation, I think they
23 recommended four years, we recommended three years for
24 exemption from change of ownership. The law now exempts the
25 first four years and newer model years from change of

1 ownership inspections. We also talked about roadside
2 inspections and the need to continue those for audit
3 purposes and program evaluation. And BAR has been
4 continuing to conduct roadside inspections. Some things
5 where I've put N/A, it doesn't mean non-applicable, it just
6 means no activity or no action and there may be activity on
7 those, but I haven't followed up with the Bureau of
8 Automotive Repair or ARB yet. In the 2006 report, we talked
9 about DMV penalties that should continue to accrue until the
10 Smog Check is received by DMV and there's already a draft
11 bill in the Assembly to take up that cause, if you will.
12 She's just waiting - it's actually Assemblywoman Lori
13 Saldana, she's just waiting for a bill number assignment to
14 that bill and she'll introduce it to the Assembly. We also
15 talked about reevaluating the rationale for directing 36
16 percent of the vehicles to test-only. That is under review.
17 That will also be impacted, of course, by the fuel evap
18 regulations that we're going to discuss today. Clarify
19 vehicle warm-up procedures; I understand that BAR is
20 rewriting another issue of the Smog Check Advisory and
21 that's going to be included in that and it's also my
22 understanding that they intend to codify that in law through
23 the regulatory process. Then we had suggested that BAR and
24 ARB should briefly review relevant data concerning the tire
25 pressure checking and we haven't really talked about that

1 again. And finally, BAR should conduct motorist surveys on
2 a routine basis and adopt additional outreach programs to
3 improve awareness for motorists, especially the CAP Program,
4 which looks like I have a typo on the bottom of that. BAR
5 is in process of a new outreach campaign. I don't know all
6 the particulars, but I'll rely on the ARB/BAR update for
7 that information. Other than that, I spent the remainder of
8 the month - I've talked to a few of the legislative staff on
9 a couple of bills they're proposing. I did update the
10 website to reflect the changes in the Committee and, of
11 course, as soon as I finished all the updates that I had to
12 do on that, now I've been told that we're changing the whole
13 scheme of the websites for the State, so that will be going
14 through a change in the next couple, two or three months.
15 And having said that, that concludes my report.

16 VICE CHAIR LAMARE: Thank you, Rocky, especially for this
17 matrix, which I think will be helpful to all of us. Were
18 there any questions or comments on Rocky's report? Dennis?

19 MEMBER DECOTA: I think this is very helpful, Rocky, this type
20 of tracking of the different issues. What about the issues
21 that basically are regulatory from the standpoint of - an
22 example might be preconditioning, tire pressure. Will we be
23 kept abreast by you of who you're dealing with on these
24 issues, what discussions are taking place and how those are
25 coming along?

1 MR. CARLISLE: Yes, I will keep the Committee advised.

2 MEMBER DECOTA: In your report, you will do that in the future?

3 MR. CARLISLE: Yes.

4 MEMBER DECOTA: Okay, thank you.

5 MR. CARLISLE: By the way, like I said, this was Bud Rice's idea
6 last year, so he gets credit for this spreadsheet.

7 VICE CHAIR LAMARE: I just want to point out to our new Member,
8 Mr. Solorzano, that when we want to speak up here, we raise
9 our microphones and that's my signal that you want to speak.
10 Are there any comments from the public? Seeing none, let's
11 move on then.

12 --oOo--

13 VICE CHAIR LAMARE: Legislative update; didn't we just do that?

14 MR. CARLISLE: Kind of, I was just going to talk about two bills
15 briefly that have already surfaced. One is by Assembly
16 Member Feuer, I think is the way he pronounces it. This is
17 AB99 and it would declare the intent of legislature to
18 ensure that by 1/01 of 2012, fifty percent of all new cars
19 made available for sale in California are powered by
20 alternative fuels. That's a pretty tall order, but that's
21 one in the Assembly. Then there's one in the Senate that
22 this is, I think, the third introduction of this bill and it
23 is basically - in the San Joaquin Valley, they want to have
24 an exchange program whereby they would exchange up to 200
25 vehicles per year, high-polluting vehicles for lower-

1 polluting vehicles that are somehow donated to the State or
2 the various agencies. And like I say, this is at least the
3 third introduction of this bill that I'm aware of.

4 VICE CHAIR LAMARE: Any comments or questions about the
5 legislative report? Any comments or questions from the
6 public?

7 --oOo--

8 VICE CHAIR LAMARE: Okay, seeing none, let's move on to the BAR
9 update and I see that we have the BAR Chief, Sherry Mehl and
10 our liaison Allan Coppage here. Welcome Chief Mehl.

11 MS. MEHL: Welcome and thank you for the opportunity to address
12 you here today. BAR, of course as you know, since I've been
13 there in October, has been very busy. We are working very
14 diligently to try to get the resources that the BAR staff
15 needs to make sure that our policies are consistent, that we
16 have regulations and statutes in place for the things that
17 we do. This is a huge undertaking for those of you who have
18 dealt with BAR over the years. There are a lot of things
19 out there that we need to codify in law, make sure that we
20 are following correctly. Consistency is a big issue.
21 Consistency and discipline statewide, consistency in how we
22 apply policy statewide. It's extremely important to me.
23 One of the things that we're doing, we are purchasing
24 videoconferencing for all of our field offices with the BAR
25 Headquarters and we think that's a first step in really

1 having face-to-face time with our field offices to make sure
2 that when we're addressing policies that everyone's on the
3 same page that it's consistent. Anyone that's had to have
4 field offices, especially the over 12 that we have, to try
5 to keep everything consistent, it's very difficult. So
6 that's a goal that we are soon to accomplish. BAR also has
7 implemented the Auto Body Inspection Program. I don't know,
8 for those of who have been aware for a while, it was a
9 Jackie Spear program originally through legislation where
10 people can bring their car, if it's been in an accident and
11 been repaired, they can contact a 1-800 number with BAR,
12 they can bring it in for free, we'll look at it, and tell
13 them whether they got their money's worth or not. And then
14 work with the stations if there was something that wasn't
15 done correctly to try to get that back and repaired. There
16 will be some press conferences coming out the first week of
17 February and the Director is going to be leading that. We
18 have a new brochure, it's not printed out yet for everyone's
19 use. We did give some out at our BAR meeting, but I wanted
20 to also show the new BAR logo. We have a new logo, it's
21 kind of a new time and interestingly, it's green and blue,
22 so I guess it's kind of a combination and I hope that
23 represents balance. I really think that BAR has to
24 represent a balanced viewpoint and that for so long, BAR has
25 been forced to implement policies because they haven't been

1 in the discussion to let people know what it takes to
2 implement and what things need to be done and so we want to
3 be part of the discussion and hopefully we've been having
4 regular meetings with ARB and working on different policies
5 and procedures and things that we need to do. The smoking
6 bill, of course, AB1970 was passed. We are working on the
7 regulations, we have a draft of those regulations. We met
8 with ARB to develop procedures on how we could implement
9 that. We met yesterday with the Clean Air dialogue and kind
10 of gave them an update of where we are with those and we
11 hope to have those regulations moving very quickly. They'll
12 be presented at our next BAG meeting, which is in March, and
13 hopeful we'll have some decisions. One of the big decisions
14 is what to do on the \$1,500 for the scrappage vehicles and
15 how we maintain the cost-effectiveness of the emissions as
16 well as implement the program that was given to us in
17 legislation. We're looking at potential sliding scales for
18 cars that are maybe the oldest cars and starting the sliding
19 scale going that way so that it doesn't impact the cost of
20 getting the emissions. So, of course, the low-pressure fuel
21 evap regs, those have been I think in the making for many,
22 many years and we were able file those. Our hearings are
23 coming up the first week of March and we anticipate a lot of
24 activity around that. Gold Shield stations, we are looking
25 at the regulations. We'll be presenting some draft

1 regulations or some ideas at the next BAG meeting as well.
2 We want to make sure that as we move towards the directing
3 of vehicles to Gold Shield that we are truly making sure
4 that those stations that are Gold Shield stations are
5 meeting the standards and qualifications that are
6 appropriate for that level. Let's see. We are working on
7 several different pieces of cleanup legislation, we're
8 working on the Smog Check manual. We will be adopting that
9 and incorporating that into regulation. We are working on
10 the cut-points. We're moving from approximately 45
11 different categories to 9,000, so we anticipate that will
12 make a change also to the program. I started to make a list
13 and I gave up because there's just so many things going on,
14 but it's exciting. I'm excited to the BAR Chief and to make
15 some change. And I think even in the short time, there's
16 been a terrific amount of change and people are enthused and
17 we're moving forward. And hopefully we'll see some good
18 results this year.

19 VICE CHAIR LAMARE: Thank you for that report. I did want to
20 ask you if you could describe the BAR Advisory Committee and
21 its meeting schedule. I've really enjoyed those meetings.
22 I think there's a tremendous amount to be learned there as
23 well and those who are not familiar with them may want to
24 attend one.

25 MS. MEHL: We have them quarterly. We have them up on our

1 website so people can go there. We schedule them a year in
2 advance, both the locations and the dates. And it's made up
3 of people from the industry, we have some consumer people on
4 there as well. I am looking at that current structure. You
5 know, I kind of inherited all of this, so I'm looking at
6 that to make sure that it's balanced. We may want to codify
7 that in law. We may want to - like the other boards and
8 bureaus do, where they have their advisory committees
9 delineated to make sure that there's a balance of both
10 public and industry members, make sure that we're meeting
11 regularly. We do meet quarterly. Right now, this is all
12 volunteer. There's nothing that requires BAR to do this.
13 We're doing it because it's the right thing to do. We need
14 to take input on a regular basis and we need to make sure
15 that we're hearing from all parties. We're starting to move
16 them around the state so that we aren't just staying in
17 Sacramento, give other people the opportunity to also come
18 and have comment. We are getting agendas out at least ten
19 days prior till, I think that's something's that fairly new,
20 and also trying to provide materials as much as possible
21 ahead of time so that at least the advisory members get the
22 information prior to being at the hearings and I think -
23 we've had two since I've been there and they've been well-
24 attended, so I'm excited about that and hope that continues.
25 Dennis DeCota is one of our members.

1 VICE CHAIR LAMARE: Well, thank you for that excellent report.

2 Let's just see if any of the Members have any questions for
3 Chief Mehl. Jeffrey, Jeffrey Williams?

4 MEMBER WILLIAMS: I just wonder if you could elaborate a little
5 bit more about the expanded cut-points, expanded in the
6 sense of numbers, and when you think that might be in place.
7 It seems like it's going forward, that's great.

8 MS. MEHL: Well, we have the 9,000 identified, which was the big
9 task and it's by model engine type so it really expands the
10 different cut-points and hopefully we've done an excellent
11 job at identifying all those. We have asked Sierra Research
12 - or we've asked ARB and Sierra Research to assist us in
13 validating what we've done.

14 MEMBER WILLIAMS: I just was wondering when you thought it would
15 start. I realize that's a forecast and not a commitment,
16 but I'm just curious.

17 MS. MEHL: Once we get the document, and I think we're very
18 close to having the document, once we get the document, we
19 need to incorporate that document by regulation, so we will
20 have to do a set of regulations in order to do that. So we
21 hope to have those -

22 MEMBER WILLIAMS: Okay, well, that's actually the issue that I
23 was trying to get at. Why is this an issue of regulation
24 rather than just -

25 MS. MEHL: Well, the public has to have the ability to know what

1 their cut-point is for one; they have to know - we can set
2 cut-points, but once you do that, you need to have a
3 document that identifies what those cut-points are so that
4 the general public, anyone can go in and see what their cut-
5 point is or their expectation of their cut-point prior to
6 taking their car in. Obviously with 9,000, that's gets a
7 little more complicated. Just the document alone is going
8 to be huge. The last cut-points were adopted in regulation,
9 so the 45 different categories actually appear in our
10 regulation, so we have to go in, strike those, and then
11 adopt by incorporation the larger document. But we still
12 have to find a way for the public to utilize that. So we're
13 looking at some kind of a computer system that we can put on
14 our website that will - you put in your car, your year, your
15 model type, and it will give you what the cut-point is. So
16 we're also looking at that as an ease of doing that, instead
17 of sending this document out to the public. The document
18 would be on our website, but we need to make sure of that.

19 MEMBER WILLIAMS: Thank you. That makes sense.

20 MS. MEHL: Okay.

21 VICE CHAIR LAMARE: Roger, Roger Nickey?

22 MEMBER NICKEY: I just don't know if this is the time to bring
23 this up, but since you're there, I would just like to know
24 how we made this leap to the initial testing of test-only
25 directed vehicles to Gold Shield stations, how we got to

1 there from our report. Can I ask that now?

2 MS. MEHL: That's up to the Chair. We can go onto the next
3 item. I think it's the next item on the agenda.

4 VICE CHAIR LAMARE: It is the next item, Roger. Let's return.
5 Dennis, Dennis DeCota.

6 MEMBER DECOTA: Good morning, Chief Mehl. As this industry
7 representative, I want to thank you for your open-door
8 policy when it comes to listening to this industry. It's a
9 breath of fresh air to have the ability to communicate
10 issues, issues of concern, in the manner that we're doing.
11 I like what I see so far and too often we find criticism
12 instead of saying thanks for the opportunity. And you know
13 at times, the opportunity can backfire on us, too, but we're
14 going to try to take, as industry, adhere to higher
15 standards, especially in the Smog Check Program, but general
16 automotive repair and it's going to be a challenge and we're
17 looking forward to working with the Bureau and hopefully
18 this Committee can help in that regard, so thank you.

19 VICE CHAIR LAMARE: Thank you, Dennis, and thank you, Chief
20 Mehl.

21 --oOo--

22 VICE CHAIR LAMARE: Let's continue with Item 5 and have the
23 report from the Air Resources Board. I see that James
24 Goldstene is here with us today.

25 MR. GOLDSTENE: Good morning, Committee Members. James

1 Goldstene with Air Resources Board. Chief Mehl already
2 spoke about the AB1870 smoking vehicle work plan we've been
3 working closely together on and coming up with a regulation
4 that would be workable in the field and enforceable, which
5 is the key concern. Just a few things quickly. Sierra
6 Research will be shortly beginning the follow-up work on
7 determining the causes for why we're having some re-fail
8 rate issues in the field and so we're working on finalizing
9 the report. You saw some early slides a couple months ago;
10 we're working together to finalize that report and, when
11 that's published, the next steps will begin on determining
12 the cause of trying to find a scientific or logical basis
13 for the reasons that we're having these issues or
14 identifying these issues in the field. We are near
15 completion of the remote-sensing report. We hope to have
16 the final draft by early March for distribution to the
17 public and to peer reviewers. We're currently working
18 through a contract that Cal/EPA has with the UC system to
19 identify peer reviewers for the report and we are trying to
20 put a 45-day period on that public review and peer review
21 process, but we don't exactly know how long that's going to
22 take. And then the last item that I wanted to make you
23 aware of is that the Air Resources Board in the near future,
24 maybe within the week or two, will be releasing the SIP -
25 next steps on the State Implementation Plan. In that there

1 will be I/M measures that had been discussed at least twice
2 previously, publicly at the workshops we held and the
3 recommendations in there are changing the cut-points, which
4 BAR is already working on, annual testing of high-mileage
5 and older vehicles and a few other things which you're aware
6 of. We can discuss that if you'd like, adding motorcycles
7 if we can, all sorts of things. So that will be out
8 shortly.

9 VICE CHAIR LAMARE: James?

10 MR. GOLDSTENE: Yes.

11 VICE CHAIR LAMARE: What I'm hearing you say - correct me if I'm
12 wrong - is that next IMRC meeting you will not prepared to
13 present the RSD study report, but you might be -

14 MR. GOLDSTENE: February.

15 VICE CHAIR LAMARE: February, end of February.

16 MR. GOLDSTENE: In February.

17 VICE CHAIR LAMARE: What is our exact date of meeting? Do you
18 know, Rocky? We'll find it. Does anybody have it handy?
19 February 27th. Or would you prefer to spend some time going
20 into more detail on the SIP recommendations, the I/M SIP
21 measures, and having a discussion about those?

22 MR. GOLDSTENE: Well, I think it's your decision, but I think
23 we'll be more prepared to have a discussion about the SIP
24 measures. We've been working closely with BAR on how to
25 proceed in certain areas, so that's probably something where

1 we'd have a more fruitful discussion.

2 VICE CHAIR LAMARE: And it's pretty important.

3 MR. GOLDSTENE: Yes.

4 VICE CHAIR LAMARE: Any comments or questions for James from
5 Members of IMRC? No? Oh, Jeffrey?

6 MEMBER WILLIAMS: Is the long delay in the remote-sensing that
7 there's some huge controversy about interpretation or is it
8 just fastidiousness?

9 MR. GOLDSTENE: It could be both - no it's fastidiousness. It's
10 hard. It's just a very challenging effort because it's so
11 comprehensive.

12 MEMBER WILLIAMS: I have an interest in this at a number of
13 levels; one is just the intrinsic subject, but I was
14 imagining you were all talking about this in February, which
15 would allow me to procrastinate further about some of my own
16 projects that I want to talk about to March, and now you're
17 telling that February is free, so that excuse for delay has
18 disappeared.

19 VICE CHAIR LAMARE: Mr. Goldstene, we have a fastidious member,
20 at least one, of this Committee, who I'm sure would love to
21 get into an early review of the RSD study report that you
22 plan to release to the public and I think it would perhaps
23 be helpful to the Air Resources Board to invite a couple - a
24 small subcommittee of this IMRC to meet with you prior to
25 the release to discuss the details of some of the issues

1 that are troubling you so that we have more understanding of
2 those issues.

3 MR. GOLDSTENE: I think that's a good idea.

4 VICE CHAIR LAMARE: I would recommend Jeffrey and myself.

5 Seeing no objection.

6 MR. GOLDSTENE: We'll work with Chief Mehl to set something like
7 that up.

8 VICE CHAIR LAMARE: Thank you, thank you. So now we will - oh,
9 sorry. Dennis has one comment or question.

10 MEMBER DECOTA: James, would it be possible to be briefed on
11 ARB's position with regards to the possibility of a 15-year,
12 150,000-mile warranty and what is going on in that issue
13 with ARB -

14 MR. GOLDSTENE: Oh, certainly.

15 MEMBER DECOTA: - in future meetings? It's not a priority, but
16 it is something of great interest to our industry.

17 VICE CHAIR LAMARE: Thank you, Dennis. So we are now ready for
18 public testimony. We'll start with Charlie, then Bud, then
19 Chris, is it, at the back of the - Carl, thank you, Carl.
20 Please introduce yourself and let's get the timer rolling.

21 MR. PETERS: Yes, Ms. Chairman, Committee. My name is Charlie
22 Peters, Clean Air Performance Professionals. This kind of
23 seems to be the end of a day, possibly the start of a new
24 day. And hopefully, as we proceed, things can improve and
25 results and public acceptance and performance of this

1 program can get better. I've oftentimes mentioned an audit
2 of the program to see if what's broken gets fixed. That
3 happens to be the first issue on a list of things that I've
4 provided to the Committee over time. The second thing is an
5 audit flag. I heard mention the issue of failure rate of
6 retesting of vehicles. The audit flag was a proposal to
7 identify cars shopping around and send a small percentage of
8 those cars for review and possibly a small percentage of
9 those vehicles requiring them - giving them a fix-it ticket
10 requiring them to actually repair them, which would be a
11 basis for being able to look at some of those cars that are
12 more than likely the cars that are going to be re-failing
13 because in fact they have a problem. And they're cars that
14 you're looking for cars that are out of compliance and to
15 give real information to real cars to be able to better
16 determine appropriate policies. The next issue on our list
17 was the issue of specific cut-points, it sounds like that's
18 going forward. One of the issues that we had was smoking
19 vehicle, that's on our list now. The legislation passed and
20 being implemented. So we're definitely making some
21 progress, but we'd like to see the possibility of
22 incorporating an audit flag to look at shopping cars, when
23 they get an okay in a station, send them for review and when
24 they have a problem, send a small percentage of those to get
25 fixed. Thank you, Ms. Chairman.

1 VICE CHAIR LAMARE: Thank you, Mr. Peters. Questions or
2 comments? All right, Bud? Did I mess up? Is that Bud
3 Rice? Oh, that's Bud Rice, oh my gosh. Larry, my
4 apologies.

5 MR. NOBRIGA: Well, I've been called a lot of things, that's one
6 of the nicer ones.

7 VICE CHAIR LAMARE: I'll blame my eyesight. Please introduce
8 yourself.

9 MR. NOBRIGA: My name is Larry Nobriga.

10 VICE CHAIR LAMARE: Nobriga.

11 MR. NOBRIGA: I'm with Automotive Service Councils of California
12 and one of our questions is, and James Goldstene may be able
13 to answer it, I don't know. Relative to the SIP, how are we
14 performing? One of our other questions was when can we
15 expect to see a report, but of course the answer to that -
16 I'm wondering if - you said, hopefully in a week or two, I
17 believe. How are we doing relative to the SIP? That's
18 important to industry as well as it is to anybody else in
19 the State. If we've got some idea of how we're performing,
20 it could possibly help us perform better and give us many
21 more ideas on maybe changes that we need to make. The
22 program has advanced. The program's changing forever, or
23 continually, and we're very concerned in industry because
24 we're looking at our future and sometimes it looks pretty
25 bleak. That would be my question, is how well are we doing?

1 VICE CHAIR LAMARE: All right, is James in the room? Okay, when
2 James gets back, we'll ask that question. Thank you, Larry.
3 Carl?

4 MR. NORD: Good morning, thank you very much. I'm Carl Nord
5 with Environmental Systems Products. I would like to
6 reiterate some discussions we've had with various Members of
7 the Committee that ESP, as the sole manufacturer and
8 supplier, is very concerned about the ARB report and we'd
9 very much like to be a part of the peer review before it
10 goes out. We have not seen it, we have heard things about
11 it that concern us and, frankly, even if it goes out as a
12 draft document for peer review and public comment, given the
13 weight that California carries throughout the inspection
14 industry, throughout the emissions control industry, it's
15 going to take on a life of its own. So if it goes out as a
16 document in public record that later gets changed, we're
17 still going to be dealing with people who saw the original
18 document. And we are concerned it will have - if it's as
19 we've heard, a significant impact upon our business. We've
20 done over 25 million tests for various jurisdictions,
21 countries, states, we believe that we can bring some
22 reflection into the report. If, when all is said and done,
23 California and the ARB chooses to stay with whatever
24 completions they had, that's fine, but we are asking for our
25 day in court with them before it's seen.

1 VICE CHAIR LAMARE: Dennis DeCota?

2 MEMBER DECOTA: I think you're talking about cut-points.

3 MR. NORD: No.

4 MEMBER DECOTA: What are you -

5 MR. NORD: The RSD report.

6 MEMBER DECOTA: I'm sorry. Okay, all right. Thank you.

7 MR. NORD: No, thank you for clarifying that.

8 MEMBER DECOTA: No problem.

9 MR. NORD: Thank you very much.

10 VICE CHAIR LAMARE: Thank you. Any other public comments or
11 questions? Larry, James may have left. In any case, let me
12 try to give my answer to your question, which is that in -
13 oh, Alan Copping will do so. Okay, the last report that the
14 agencies did that actually said how well is Smog Check doing
15 in comparison to what is in the SIP, what is promised in the
16 SIP, as I recall, was their September 2005 report, so folks
17 are welcome to go to that report, which is on our website,
18 and find that portion of the evaluation. I think what James
19 is addressing was more in terms of what does the State
20 propose to do next in the SIP that sets a new standard for
21 what the industry will be expected to live up to. So it's
22 important for us to look at what the State is proposing and
23 think about it ahead of time. Larry?

24 MR. NORD: That I think we understand. Where our concern is, I
25 guess, is as Smog Check stations, what is the impact going

1 to be on us? Now, if we go back to 2005, September of 2005,
2 for instance the Bay Area had only been enhanced for about a
3 year, I believe then. 2005 is like two years ago now
4 almost. I mean, there's got to have been a big change.
5 We've got a Central Valley that is a pollution problem for a
6 whole bunch of reasons and mobile source is one of the major
7 reasons. We need to know, I think -

8 VICE CHAIR LAMARE: Let's spend some time in here looking at the
9 SIP. I think that's a good endorsement of why we should do
10 that. Thank you.

11 MR. NORD: Thank you.

12 VICE CHAIR LAMARE: Good idea. Any other comments? James, the
13 question was - there were two questions. How are we doing
14 with the Smog Check Program in regard to the SIP and the
15 second question just raised now is what is the impact on us
16 of the SIP. We do want to spend some probably considerable
17 time quite soon on this issue. I'm not asking you to answer
18 these questions definitively, but was there something else
19 you wanted to add?

20 MR. GOLDSTONE: No, I don't have anything specific to add at
21 this point. I think that next month we will have released
22 our plan and then we'll have all the information and the
23 right people here to have a detailed discussion and answer
24 any questions that the Committee attendees might have.

25 VICE CHAIR LAMARE: Great. John Hisserich?

1 MEMBER HISSERICH: John Hisserich. Now that James is back in,
2 there was also a question raised by a gentleman from a firm
3 that - RSD, I guess - I mean, that's not the firm, but the
4 remote sensing device -

5 MR. GOLDSTENE: ESP.

6 MEMBER HISSERICH: ESP, right. And the question was, James - or
7 their concern, and I don't expect you to necessarily answer
8 it right at this moment, but their concern was that with
9 your report, the ARB report coming out, there was some
10 concern on the part of that industry representative and the
11 industry that they wanted to get some look at some of the
12 issues raised in relation to their part of the industry
13 because of potential, what they think - well, maybe I'm
14 speaking on their behalf, but negative impacts, if you will,
15 that may be in there that while they may be subsequently
16 corrected, there was a concern that they would have great
17 weight if they were released in the report without the
18 opportunity for them to review it. Now, I don't know what
19 your response to that is, but, please, I just wanted to make
20 sure that was, since you are back in the room -

21 MR. GOLDSTENE: I understand ESP's concern and we'll release the
22 report for public review and comment at the same time to
23 everyone to review and comment on and we'll also send it to
24 peer review, which we think will add some authority and
25 credibility to the report at the same time. When the report

1 is released, it will be important - and we'll point this
2 out, it'll be important for everybody who looks at it and
3 reviews it to know that before they draw conclusions, they
4 need to understand the methodology that was used to arrive
5 at the findings of the report. So we'll emphasize that when
6 we get to that point.

7 VICE CHAIR LAMARE: Okay, thank you. Dean Saito, did you have a
8 question? I'm sorry, Dean. Dennis DeCota?

9 MEMBER DECOTA: Yes, James Goldstene, what I heard also the
10 gentleman from ESP state was that they've got 25 million
11 tests under their belt, so to speak, and they haven't had
12 the opportunity to have comment on the report. Are we
13 short-sighting ourselves?

14 MR. GOLDSTENE: No, we'll release the report -

15 MEMBER DECOTA: Is there a competitive advantage if that
16 information was done - got out beforehand?

17 MR. GOLDSTENE: Well, we don't have the report to give yet.

18 MEMBER DECOTA: I understand that.

19 MR. GOLDSTENE: So, as soon as it's ready, we're going to
20 release it.

21 MEMBER DECOTA: But what I hear him saying is that he would like
22 to take and work with you on it.

23 MR. GOLDSTENE: He will have that opportunity when we release
24 the draft report for comment.

25 MEMBER DECOTA: Okay.

1 MR. GOLDSTONE: He will have that opportunity.

2 VICE CHAIR LAMARE: Dean Saito?

3 MR. SAITO: Yes, I'm Dean Saito, I'm with the South Coast Air
4 Quality Management District. Just a couple of thoughts.
5 One on the SIP shortfall. We do know that in 2000 in the
6 State Implementation Plan, the State of California committed
7 to the low-pressure evap test and that has been incorporated
8 into the SIP and emissions reductions accounted for, so we
9 do know that there's some shortfall there. Now, I don't
10 know whether or not that's going to cause transportation
11 conformity problems because of the shortfall, but I think
12 that's a question that needs to be address in terms of how
13 we're doing relative to the SIP. The other point is I think
14 that it's important with regards to the RSD study, and I
15 made this point yesterday, that it's very important that
16 when this study comes out that the assumptions made in this
17 RSD study is consistent with the assumptions in the M-Fact
18 Model relative to the Smog Check Program, because that is
19 specifically what relates - ties the SIP reductions to the
20 Smog Check Program. So the assumptions in the RSD report
21 has got to be consistent with all the assumptions within the
22 M-Fact Model and I think that's critical in terms of how
23 local air districts are going to be able to use this report
24 in terms of implementing any component of RSD in the
25 program.

1 VICE CHAIR LAMARE: Thank you. Jeffrey?

2 MEMBER WILLIAMS: Dean, I'm puzzled by the terminology you're
3 using about assumptions there. It seems to me the RSD
4 report could disprove some of the assumptions in the M-Fact
5 Model, or confirm them, that is a model. It doesn't seem to
6 me that the RSD has to fit the assumptions, it speaks to the
7 assumptions.

8 MR. SAITO: Well, in trying to characterize, there's a lot of
9 assumptions within the M-Fact Model that is - there's a
10 noncompliance assumption and so on throughout the model and
11 those assumptions are what air districts have to use
12 relative to coming up with cost-effectiveness calculations.

13 VICE CHAIR LAMARE: And estimates of benefits.

14 MR. SAITO: And estimates of benefits. Local air districts now
15 have funding, money available to use for a light-duty
16 program which includes remote sensing, and that's through
17 the use of AB923 funds.

18 MEMBER DECOTA: Carl Moyer.

19 MR. SAITO: Carl Moyer funds. And in order to use those funds,
20 we have to be consistent with the assumptions within M-Fact,
21 which has to do with credit life on scrappage and also
22 credit life on repairs, and so all those assumptions have to
23 be continuous throughout any RSD analysis report and that's
24 my only point. We need to be playing with the same
25 assumptions as we do cost-effectiveness calculations.

1 MEMBER WILLIAMS: But am I right that there are some issues that
2 the RSD study could talk about some of the assumptions
3 specifically. Just to take what I hope is a non-
4 controversial example. We read all these license plates
5 going by and it turns out that virtually every car is
6 registered and had a Smog Check. And so the M-Fact Model
7 actually is over-stating possible noncompliance. That's
8 good news, isn't it?

9 MR. SAITO: I hope -

10 MEMBER WILLIAMS: And the M-Fact Model should be adjusted.

11 MR. SAITO: I hope that's what the RSD report going's to
12 discuss.

13 MEMBER WILLIAMS: I hope so, too, but my point is it should be
14 that the M-Fact model gets adjusted as a result.

15 MR. SAITO: That is true, but I think that could be an ultimate
16 result of this study. I think that needs to be addressed in
17 the study, how we can further adjust M-Fact to make it more
18 real life in terms of the benefit.

19 VICE CHAIR LAMARE: Great, thank you, Dean. Bud Rice this time.
20 Will the real Bud Rice please come forward?

21 MR. RICE: Good morning. Bud Rice with Quality Tune-Up Shops.

22 A couple of comments that I'll make quickly. The first one
23 is Mr. Solorzano - am I saying that correctly?

24 MEMBER SOLORZANO: Solorzano.

25 MR. RICE: Thank you very much. Welcome to the Committee, by

1 the way, welcome. One thing I did notice that the Chair
2 said that when you had a question, you could raise your
3 microphone, and I noticed that he doesn't even have a
4 microphone. Oh, it's down there. Okay.

5 VICE CHAIR LAMARE: He's very discrete with his microphone.

6 MR. RICE: The second comment is, Rocky, the report was great.

7 That's exactly what I kind of had in mind and you did an
8 excellent job of putting that together, so I wanted to say
9 thank you for that. I wanted to echo Dennis DeCota's
10 comments about the 15-year, 150,000-mile manufacturer's
11 warranty proposal. I'd love to hear some comments on that
12 as soon as it's possible from Mr. Goldstene. The fourth one
13 is I notice the gentleman from South Coast is here. I also
14 know that they've been conducting an RSD study of their own.
15 I think that they've been running in parallel with what
16 ARB's been doing, so I'm kind of curious if they have
17 anything that they're able to release regarding their
18 independent study; that might be interesting as well. The
19 fifth and final comment is the SIP shortfall. I guess my
20 fear is that occasionally the SIP may be overly optimistic
21 in terms of what they think a reduction may have. As an
22 example, the evap. The may be thinking that the low-
23 pressure evap is going to give you this much savings in
24 terms of tons per day or tons per year, and they've put that
25 into the SIP, and that gets approved and off we go, and then

1 in the end, it isn't this much, it's really this much. And
2 now we're back - because now we're in a shortfall situation
3 so I've got some concerns that we're taking an overly
4 optimistic view of the world and not a realistic view of the
5 world and when you do that, industry is the one that gets
6 raked over the coals over that. So those are my comments.
7 Thank you.

8 --oOo--

9 VICE CHAIR LAMARE: Thank you. All right, then let's move on to
10 Item 6. We put low-pressure fuel evaporative regulations on
11 our agenda today simply to afford people an opportunity to
12 discuss in public the regulations which will have their own
13 hearings in early March and really the Bureau's hearings are
14 the place to organize and really present testimony on this,
15 but we didn't want to let our IMRC meeting go by without
16 some opportunity to comment. And Roger has raised an issue
17 for Chief Mehl and so perhaps we can pick it up there.
18 Chief Mehl, did you have any introductory material that you
19 wanted to present? The regulations are on the street and we
20 all have a copy here.

21 MS. MEHL: Yes, I think this was a long time in coming. This
22 was something that had stalled for many different reasons
23 and one of the reasons I think it had stalled for so long
24 was trying to strike a balance in implementing these
25 regulations with the industry and with everybody concerned.

1 And so I think what you have before you - is it perfect?
2 No, maybe it's not perfect, but it at least strikes a
3 balance that we think that is defensible. We are continuing
4 to do additional studies. We have some performance studies
5 that we're looking at and hope to have those prior to the
6 hearings, but I think this has been around for a long time,
7 this idea of the directed vehicles to Gold Shield goes back
8 to a SIP report back in 2000, so it's not anything that's
9 new. I think what was missing was some of the pieces and I
10 think IMRC's report sparked some of that, but we went ahead
11 and did some additional studies at BAR to look at the report
12 that IMRC did to validate and we did ask Sierra Research to
13 also look at that data. So there was validation on the D-
14 Sample study that was done and we believe that deals with
15 the failure rate and we think that it's appropriate to deal
16 with that. We're also looking at the performance rates and
17 discipline and other enforcement information that we have
18 that is only adding on to that.

19 VICE CHAIR LAMARE: Just to add on to what you've said, Chief
20 Mehl, when this Committee prepared a response to Assembly
21 Member Horton, I believe last year, we went through a number
22 of these issues in an attempt to systematically address the
23 directed-vehicles issue and your regulation includes
24 directing vehicles to Gold Shield stations, which is
25 consistent with the prior SIP language which said that the

1 State has the option of directing to test-only or to high-
2 performing stations.

3 MS. MEHL: We did meet with our legal office and went over any -
4 there were questions that had come up about our legal
5 authority and our legal office has assured us that we do
6 have the legal authority to move in that direction. There's
7 also future things that are also involved with this. We are
8 currently working with the SGS Testcom, who is the provider
9 of service for our NGET system, our Next Generation
10 Electronic Transmission. We are doing JAD sessions right
11 now on the CAP Program and we are looking at the future of
12 the CAP Program and we believe it's possible to actually -
13 if someone were to go to a Gold Shield station and fail,
14 same day get approval to go ahead with the repairs. And
15 what we're finding is the CAP Program is not utilized as
16 well as it should be because we're losing people from the
17 time they go and fail to the time they get noticed to the
18 time they get their application to the time they get
19 approval. So what we believe is a better way of doing that
20 is to consolidate that so that we're getting the repair. As
21 we all know, repairs are the topic of this whole year and I
22 think way into the future, so if we can get more people
23 repaired and get them repaired faster and have it more
24 streamlined, we think that's a huge benefit. So we are
25 looking at the Gold Shield regulations to make sure that

1 those are in place, that we have the appropriate regulations
2 in order to manage that. We also are looking at doing
3 something where we're doing same-day approvals for repairs
4 through the CAP Program in the future, hopefully the near
5 future, and then do a heavy audit on the other end of that.
6 So we're moving in a lot of directions. This is a piece and
7 it's unfortunate that we couldn't file all the different
8 pieces at one time so that people could get a better sense
9 of what the bigger picture is. This is a piece of them and
10 I think if people keep that in mind that this is just a
11 piece and that there is much more to come in a whole bigger
12 picture in dealing with this issue.

13 VICE CHAIR LAMARE: That's a very dynamic situation, thank you.

14 Now I know we have folks who want to speak who aren't on
15 this subject and that we will reopen public hearing later in
16 the meeting if we can. Rocky?

17 MR. CARLISLE: I want to make one comment to kind of address one
18 of the issues. If you look at the Initial Statement of
19 Reasons, on Page 2 they identify 42 tons per day that result
20 from deterioration of fuel lines and fuel evaporative
21 equipment, yet that's been discounted and they're suggesting
22 they're going to get 14 tons per day by 2010 and that
23 addresses Larry's concern in that there is a bigger piece of
24 the pie that you can get in emissions reductions, but
25 because of testing issues, maybe some incorrect tests, maybe

1 some malfunctioning tests, not all repairs are going to be
2 as efficient as what they could be, they reduce that to 14
3 tons per day and I think that addresses that issue. I
4 should also point out that the cost effectiveness of this is
5 \$6,688 per ton, which is well into the \$14,300 per ton that
6 would be still considered cost-effective.

7 VICE CHAIR LAMARE: Were there other comments or questions from
8 Members of IMRC? Eldon?

9 MEMBER HEASTON: I notice that on Page 3, it made reference to
10 OBD II. Is there credit being taken for OBD II and what it
11 does to get people to bring their vehicles in when it
12 detects a problem? Is there a way we're capturing that so
13 that we may be able to take credit for that?

14 VICE CHAIR LAMARE: Eldon, I'm assuming that that credit is
15 taken under the OBD II Program. I don't know if James wants
16 to address that or someone else.

17 MS. MEHL: That's included in the model, the M-Fact Model.

18 VICE CHAIR LAMARE: It's already included. Thank you. Roger,
19 did we respond to your question? Do you want to restate it?
20 I know we're going to come back to that when - Randy Ward is
21 not here now and we'll have to come back to it when he comes
22 back.

23 MEMBER NICKEY: I have so many things buzzing around on this
24 thing that it's hard to articulate. But one thing that does
25 concern me is how do we justify the fact that you have a

1 station that receives State funds for repairs, have the
2 ability to test and fail the vehicle, repair it, and then
3 receive State funds for said failure and repair. How do we
4 justify that? Isn't that a conflict of interest, is what my
5 question is.

6 MS. MEHL: Well, I think monitoring the situation and auditing
7 the situation is the best way to do that so I don't see that
8 that's a conflict.

9 VICE CHAIR LAMARE: Thank you. Jeffrey?

10 MEMBER WILLIAMS: I have a very minor question really. It's
11 about the way the equipment is to be implemented here for
12 this test. Are we expecting this to be a lease arrangement
13 or somebody buys the equipment?

14 MS. MEHL: No, each of the stations will have to purchase their
15 own equipment. Right now there are two types of equipment
16 that are being - two companies that have submitted test
17 equipment.

18 MEMBER WILLIAMS: So will there be a choice here for some
19 stations to remain in business? Somebody that's doing very,
20 very low volume test and repair, presumably just says, all
21 right, I'm going to be a brake shop after all and not do
22 that. Is there a way we can monitor the license renewal
23 around this time or something?

24 MS. MEHL: Yes, absolutely.

25 MEMBER WILLIAMS: It just - I expect the numbers will be very

1 small, but it might be worthwhile to document that as it
2 happens.

3 MS. MEHL: Thank you. We will be monitoring that.

4 VICE CHAIR LAMARE: Thank you. Dennis DeCota?

5 MEMBER DECOTA: Chief Mehl, what are the two companies that are
6 supplying the equipment, I'm sorry.

7 MS. MEHL: Waekon and Systech.

8 MEMBER DECOTA: Systech?

9 MS. MEHL: Yes.

10 VICE CHAIR LAMARE: Any further questions from the Committee?

11 MEMBER DECOTA: Thank you.

12 VICE CHAIR LAMARE: Comments? Then we'll open up for public
13 testimony at this time. Who would like to speak? Charlie,
14 Charlie Peters.

15 MR. PETERS: Madam Chairwoman, Committee. My name is Charlie
16 Peters, Clean Air Performance Professionals. The perception
17 is being given here that this program is about finding dirty
18 cars and doing something with them. It might be much more
19 efficient if it was about keeping cars from becoming broken
20 and if you don't have appropriate standards and you don't
21 know whether or not that's what's broken -

22 VICE CHAIR LAMARE: Is this pertinent to the question that we're
23 on, the low-pressure fuel evaporative regulation, Charlie?

24 MR. PETERS: I believe so.

25 VICE CHAIR LAMARE: Could you make that connection for me?

1 MR. PETERS: That was the intent for it to be about that, yes,
2 ma'am. Low-pressure fuel evap testing is certainly tied
3 into, in my perception, tied into the folks that are not
4 getting what they perceive to be appropriate information
5 about their equipment and the amount of influence that
6 they've had in this process is virtual total. Huge lobbying
7 efforts across the country and the previous chair lobbied
8 for them and legislation and so on saying they haven't had a
9 fair playing field when in fact the technology that hasn't
10 had a fair playing field is the technology of the provider
11 in the marketplace and has never gotten the opportunity to
12 demonstrate, possibly improve - management to improve the
13 performance to improve the failure rate, to improve the
14 effectiveness of the program while we've spent hundreds and
15 hundreds of millions of dollars. We're currently running
16 significant programs in the Central Valley, South Coast,
17 etcetera, to justify the implementation of transition to
18 remote sensing car crushing from the really most important
19 technology here that can prevent pollution, which is the
20 industry providing service. So saying that they're getting
21 the short end of the stick, I think they want the whole
22 stick and this Committee allowing a fair process here I
23 think is very important and so the issues being considered
24 in regulation may need to consider other things that are
25 more cost-effective and more effective and the Committee

1 could be very important in helping with that decision.

2 Thank you, Madam Chair.

3 VICE CHAIR LAMARE: Thank you. All right, let's move on then.

4 Larry Nobriga?

5 MR. NOBRIGA: If I'm correct, Dr. Williams was asking if BAR was
6 going to track the number of licensees or stations that drop
7 out of the program because they have to purchase the
8 equipment; is that what I heard? And then my question would
9 be directed to Chief Mehl. Do you have any projections in
10 the numbers of stations that you are going to lose?

11 VICE CHAIR LAMARE: Well, I have to interrupt you there. Number
12 one, we need you to speak into the microphone -

13 MR. NOBRIGA: Okay.

14 VICE CHAIR LAMARE: - so that it gets recorded and it's in the
15 transcript. And then I will ask Chief Mehl if she wants to
16 answer the question, okay? Thank you.

17 MR. NOBRIGA: And my question is does BAR have any projections
18 relative to the number of stations they will lose because of
19 the purchase of this equipment.

20 VICE CHAIR LAMARE: Thank you. Chief Mehl?

21 MS. MEHL: At this time, we do not.

22 VICE CHAIR LAMARE: Thank you. All right, if we have completed
23 - I see another hand. Please come forward. Mike Cherry.

24 MR. CHERRY: You remembered me? Nice to see you again, Ms.
25 Lamare.

1 VICE CHAIR LAMARE: thank you.

2 MR. CHERRY: It seems like we're getting away from the original
3 concept that EPA wanted California to have and that's
4 separation of test and repair. It looks to me like the
5 evaporative testing that's going to be - probably would have
6 been done by most of the test-only stations. It looks like
7 they're turning it over to the Gold Shield as a way of
8 placating people so they can go ahead and buy this test
9 equipment. The Gold Shields will probably buy the test
10 equipment, I don't think there's a worry about that. But
11 the test-and-repair stations, I'm sure won't be buying the
12 equipment and the test-and-repair stations, it looks like
13 they're going to be left out of the picture here with this
14 change in the regulation. So my point is that it looks like
15 it's more of a political move to include the Gold Shields in
16 the initial testing, even when they allow the Gold Shields
17 to do the retest after the repairs, it looked to me like
18 that was a degradation also of the program. It doesn't
19 matter to me, if this goes through, I'm going to go back to
20 being a Gold Shield station. The reason I'm in test-only
21 was because it looked like it was an attractive market at
22 the time and that's why I went that direction and if it goes
23 this way, I'll go back to being a Gold Shield, but I don't
24 think you're making a move to clean the air in California by
25 doing this. Thank you very much.

1 VICE CHAIR LAMARE: Thank you, Mr. Cherry. Rocky, have we
2 gotten any input from the web?

3 MR. CARLISLE: No.

4 VICE CHAIR LAMARE: I do have a question is EPA is listening and
5 if EPA is listening, I would appreciate them giving us input
6 on whether they will comment on these regs and whether they
7 have approved the move of directed testing, that kind of
8 thing. If they're looking at it, give us some input. Thank
9 you. Any other comment?

10 --oOo--

11 VICE CHAIR LAMARE: All right, then I think we should move on
12 and try to do our annual Smog Check for older model year
13 vehicle discussion, which is Item 7 and - do I hear any
14 desperate calls for a break before that because I think we
15 have a chance of maybe having an early lunch? But our
16 Members are okay. Yes, we may be able to roll this out and
17 be done. I know we have a couple of people here. We
18 thought it would be a good idea to focus on one of the
19 recommendations that was made in 2004, 2005, 2006 to improve
20 the Smog Check Program and that is annual Smog Check for
21 older model vehicles. The report that we put out had a
22 number of provisos and recommendations in it about the
23 annual test and we wanted to give people a new opportunity
24 to comment on the annual Smog Check for older model vehicles
25 issue today. So this is primarily a public comment time.

1 Is there anyone who would like to speak? Is ARB or the
2 Bureau interested in making any comment about the annual
3 recommendation at this point? Chief Mehl?

4 MS. MEHL: Yes, I'm starting to be a habit up here. At this
5 time, both ARB and the Bureau don't have any approved
6 position from their agency or from the administration, so we
7 can't really speak out in favor or in opposition to it, but
8 certainly we are looking at this. We want to be a part of
9 the discussions and we want to be a part of any
10 implementation and our side is really more from the
11 practical side of the implementation and how that would
12 work. So I can kind of speak in general. We have a 97-BAR
13 analyzer, which is a very old piece of equipment and is
14 quickly running out of fields. In order to collect the
15 data, we need to have the field be able to input that data
16 into the smoking and the low-pressure fuel evap are taking
17 up the last two fields that we have currently, which means
18 it's a very delicate issue that we are facing and that is we
19 should probably have been designing our new system probably
20 starting five years and probably there were talks about it
21 at the time, but now we're really up against where do we go
22 from here. And I think we really need to enter into a
23 dialogue with ARB and all the stakeholders in what that's
24 going to look like, what is the future going to look like
25 and how are we going to get there. As all these new things

1 come in the implementation, having a means and a mechanism
2 to do that implementation is ultimately important to be able
3 to collect the data so that we can then show the data for
4 the SIP and for the other requirements. Without being able
5 to collect the data, it makes it just kind of a process. We
6 also have to look at software updates and, even doing
7 software updates, we have four companies that have ownership
8 of the BAR analyzers and one of those companies has
9 expressed an interest in not continuing. They will make
10 some minor changes to the software, but they don't want to
11 be involved in making major changes to the software, which
12 could impact approximately 1,800 stations that have these
13 particular analyzers. So there are a lot of issues out
14 there that have to deal with the implementation of anything
15 like that. Also, when you talk about annual, you need to
16 also be talking about the inner-relationship with DMV, how
17 their renewals go out, what happens when somebody postpones
18 theirs for six months, then bumps up against their next
19 year's renewal already. Are they going to have to go in and
20 do two within a one-month period. What is the purpose of
21 that and what are we gaining when we do that. There are
22 just some general issues that we need to look at. The
23 directed vehicles, for example. That's a whole formulation
24 that we do right now. How does going to yearly impact that.
25 And what are the advantages and what are the disadvantages

1 of doing this program. So that would be BAR's comments at
2 this time.

3 VICE CHAIR LAMARE: Thank you for that input. That's
4 fascinating. James?

5 MR. GOLDSTENE: This is after low-pressure fuel evaporative
6 emissions testing, the implementation of an annual test for
7 higher mileage vehicles in California is the next biggest
8 air quality improvement measure we can take.

9 VICE CHAIR LAMARE: Higher mileage or older vehicles?

10 MR. GOLDSTENE: I'm sorry, older vehicles.

11 VICE CHAIR LAMARE: Older model vehicles?

12 MR. GOLDSTENE: Yes.

13 VICE CHAIR LAMARE: The next best -

14 MR. GOLDSTENE: We have found in the 2004 report that vehicles
15 that are 15 years old and older have twice the fail rate of
16 the rest of the fleet, so you have a fail rate of almost 30
17 percent.

18 MEMBER DECOTA: We found that out in 1994.

19 MR. GOLDSTENE: We found that out again in 2004.

20 MEMBER DECOTA: James, on the -

21 MR. GOLDSTENE: Yes.

22 VICE CHAIR LAMARE: Mr. DeCota?

23 MEMBER DECOTA: I'm sorry, Madam Chair. I should have gone
24 through you. On the possibility of diesel vehicle testing,
25 that would constitute a whole new bench, would it not? You

1 couldn't use the gas bench that we have, the gasoline that
2 we have today. We'd have to go to a separate bench, would
3 we not?

4 MR. GOLDSTENE: I don't know the answer to that. My
5 understanding is that the diesel vehicles with OBD would be
6 able to communicate with the systems that are in place now,
7 but we need to look into that to make sure.

8 MEMBER DECOTA: But if our equipment is maxed as Chief Mehl just
9 stated, would we limit the possibility of going to light
10 duty diesel testing?

11 MR. GOLDSTENE: Well, on that issue, that is a fundamental
12 discussion about the future change-over of the equipment and
13 the software. That's, as Chief Mehl just raised, that is
14 fundamental - that will need to be resolved in order to do
15 many of the things we've been talking about and will be
16 talking about in the SIP process. We're working with BAR on
17 that and in the future, I think we'll all be working with
18 the Committee on that as well. Does that answer your
19 question?

20 MEMBER DECOTA: Pretty much so. Just for you information, the
21 answer is yes, it would take another bench.

22 MR. GOLDSTENE: Okay.

23 VICE CHAIR LAMARE: Well, Dennis, I have a question for you.

24 Are you talking about diesel testing of vehicle model years
25 prior to 2000? Because I'm not sure that when people say we

1 want to add diesel testing, it is my impression that the
2 intent is to add light duty diesel testing for vehicles of
3 model years 2007 and beyond, not for older model diesel
4 light duty vehicles.

5 MEMBER DECOTA: The diesels that are currently in production
6 that have catalytic converters should be tested under the
7 program. We also have become -

8 VICE CHAIR LAMARE: But they also have OBD monitors. They're
9 OBD vehicles. They're not tested in the way that - they're
10 tested the way OBD vehicles are tested.

11 MEMBER DECOTA: But there's modifications done through
12 technology today, for these diesels create a great deal of
13 pollution.

14 VICE CHAIR LAMARE: Okay. I have Mr. Nickey and then Mr.
15 Williams.

16 MEMBER NICKEY: Roger Nickey. My understanding had always been
17 that if we were going to test diesels, it was never going to
18 be a tailpipe test, it was going to be an OBD II download on
19 OBD-equipped diesels.

20 MR. GOLDSTENE: That's what we're envisioning in the SIP, too.

21 MEMBER NICKEY: Right. There was not going to be any tailpipes.
22 It would not necessitate another bench, but we do have Mr.
23 ESP back there if you wanted to call on him.

24 MEMBER DECOTA: Well, there are states, like New York, that do
25 use a different bench.

1 VICE CHAIR LAMARE: Okay, thank you. Jeffrey?

2 MEMBER WILLIAMS: I was just puzzled by one thing Chief Mehl
3 said about the data fields. I don't understand why annual
4 testing creates another data field. I can understand the
5 changes need better programming to identify the reason for
6 the test in that field, but the test is the same otherwise.

7 MR. GOLDSTONE: If you don't mind, I'll let Chief Mehl or Alan
8 talk about the process of a test.

9 VICE CHAIR LAMARE: Maybe Alan could address that.

10 MEMBER WILLIAMS: But it's a really small issue. I think the
11 bigger one is what DMV is going to do with annual testing
12 and it's their software that needs serious updating and
13 we've seen that already and their ability to track whether
14 somebody's late and so on, what their comments on that.
15 That seems to be the real hang-up here, right?

16 VICE CHAIR LAMARE: Oops, we should have asked DMV to come
17 today, sorry.

18 MR. GOLDSTONE: Those are important points.

19 VICE CHAIR LAMARE: Yes, very. Alan Coppage from the Bureau of
20 Automotive Repair.

21 MR. COPPAGE: Dr. Williams, I'd have to defer to our software
22 folks are BAR. I didn't really come prepared to talk about
23 the 512 bits of formatting on the EIS machine, other than to
24 say that they have advised us that thing is maxed out for
25 software changes and its ability to do it.

1 VICE CHAIR LAMARE: Thank you. Other comments on the
2 recommendation for annual Smog Checks for older model
3 vehicle years? No? Roger?

4 MEMBER NICKEY: When you do the test, there is no input for
5 whether it's biannual or whatever. There's no, absolutely
6 no programming changes to be made to go to annual testing.
7 The customer's referred to come in for a test, he gets the
8 test. It doesn't change anything on the TAS as far as I'm
9 concerned or as far as I know.

10 VICE CHAIR LAMARE: Thank you. Any further comments? Thank you
11 all for your time. Let's move on to taking a break. We'll
12 come back and talk about report planning. I think our
13 Executive Director should give a call to Randy Ward and let
14 him know we may not be here at 1:00, so let's take a ten-
15 minute break and actually be back here at 11:00. Thank you.

16 --oOo--

17 VICE CHAIR LAMARE: The Vehicle Inspection and Maintenance
18 Review Committee, come back into order and our next item of
19 business is Item number 9, report planning. And I believe
20 that the staff has prepared a presentation for us on this.
21 Rocky?

22 MR. CARLISLE: Thank you, Madam Chair. I don't have a
23 PowerPoint presentation, but if you look under Tab 5 of your
24 book and, this is a work-in-progress, I didn't provide
25 handouts, but in retrospect, I probably should have. But in

1 our November meeting, we discussed or we talked about
2 briefly 27 different items. Now, obviously we can't review
3 27 different items in one year, two years, maybe even five
4 years. But if you look, we have diesel vehicle testing.
5 That's a SIP issue. Motorcycle testing, another SIP issue.
6 The International Registration Plan, OBD-only testing, smoke
7 testing, Smog Check Program incentives for not only the
8 motorist, but shop owners and technicians, standardized
9 methodology for program evaluation, comparison of
10 effectiveness of test-and-repair, test-only, and Gold
11 Shield, and that's kind of a continuation of what we've done
12 in the past. What the Smog Check Program should look like
13 in 2010, program avoidance, that's a follow-up report to our
14 2006 report. Smog Check Station performance, adding the
15 idle test to the ASM, evaluating the high-emitter profile,
16 aligning consumer incentives with those of the health-based
17 advocates of the Smog Check Program. Smog Check repair
18 durability, ASM testing of four-wheel drive and all-wheel
19 drive vehicles. Problems associated with not performing NOx
20 testing on four-wheel drive vehicles. BAR enforcement
21 budget, remote sensing, Caltrans prohibitions regarding RSD,
22 privacy concerns regarding RSD, organizational relationships
23 with Smog Check, consumer information survey, a global BAR
24 budget, and finally, a particulate matter testing. Now I
25 think they're all important, but I think we also have to

1 prioritize and see what we can realistically do in a one-
2 year period. Steve worked on consolidating these. The next
3 document you have talks about potential Smog Check program
4 evaluation topics and in this document, he categorized them
5 into five different categories. One would be centralized
6 versus decentralized, annual versus biannual, test
7 equipment, proper use of OBD, program cost and convenience,
8 and all other IMRC proposals. But in looking at all of
9 this, I thought - and this is just my impression, what I
10 thought we need to pull out at least a number that we can
11 look at, and we're probably not going to report on even all
12 of these, but if you look at the last spreadsheet, I've put
13 down SIP issues and the SIP issues currently include diesel
14 testing and motorcycle testing. I think that's important
15 for this Committee to look at. I put down Smog Check
16 station performance, including repair durability. I think
17 that stands out at the top of the list. On the fourth page
18 under Tab 5.

19 MALE: (inaudible - mic not on)

20 MR. CARLISLE: Oh, good. Okay, so on Item 4, OBD-only testing
21 and remote sensing. Again, equipment issue. Possibly a
22 program avoidance follow-up report. That may be short, but
23 we probably ought to mention it in the next report since we
24 did tell the legislature there would be a follow-up. We
25 have talked about the International Registration Plan and I

1 did get a letter; it's under Tab 7 of your handout, I got a
2 letter from DMV, they said they were continuing to work on
3 that. They did concur with our report, but as far as
4 registration issues, they actually had a foreign
5 registration enforcement unit. Do you have that under
6 Tab 7?

7 VICE CHAIR LAMARE: I have a letter from the CHP.

8 MR. CARLISLE: CHP, that's what I meant, I'm sorry. They were
9 continuing to enforce that, so they're onboard with that.
10 Incentivizing motorists, shop owners, and technicians toward
11 the Smog Check program and aligning consumer incentives with
12 those of the health-based advocates of the Smog Check
13 Program. So I laid out those eight, but that's just a
14 suggestion on my part. I think even from that, we probably
15 ought to pare that down to about four items of the highest
16 import and focus on those for the next report.

17 VICE CHAIR LAMARE: Well, I would like to comment on the first
18 one that I think this year we may be asked to review and
19 comment in more detail on specific issues having to do with
20 annual Smog Check for older model year vehicles. As James
21 Goldstene said today, this is the next big one. Whether or
22 not California actually does adopt and intend to implement
23 an annual Smog Check for older model year vehicles, there
24 are a lot of issues which we did not talk about today and we
25 need to be prepared in future meetings to bring them up and

1 look at them. I think that fits into Item number 1. Item
2 number 1 includes quite a few air quality beneficial issues
3 and that's a big subcommittee in my opinion.

4 MR. CARLISLE: Yes.

5 VICE CHAIR LAMARE: Are there more comments about this list?

6 Members reactions to it? Jeffrey Williams?

7 MEMBER WILLIAMS: The repair durability issue is one we've been
8 talking about a lot and it's hard to measure, but I've been
9 doing some work on that as you know and the meeting I had
10 with you and Roger Nickey to identify some specific vehicle
11 types where it's known if they've been repaired well or not
12 and to track them a bit more, I'm hoping to make a
13 presentation on that in the next few months. I don't know
14 how far I'm going to get, but I invite anybody else who
15 would know particular vehicles that we can deduce from the
16 measurement when the car passes, after it previously failed,
17 that the repair was probably not intended to last and if
18 there are a few vehicles that have those characteristics, or
19 some repairs that have those characteristics, I'd like to
20 know it and I'll focus in on those particular vehicles and
21 we'll see what's happening and just get an estimate of how
22 often repairs are not as comprehensive as they might be. So
23 I invite anybody's input on that. It might be easiest if
24 you email me at Williams@primal.ucdavis.edu with your
25 suggestion of some vehicles that I focus on. So

1 Williams@primal.ucdavis.edu. I know have 113 million
2 records in my Smog Check database, which is perhaps too many
3 to comprehend and if someone says instead, just look at the
4 1985 Hondas and you can tell that from the readings that
5 what it needed was a major repair and it got a new cat put
6 on just long enough so it would pass and the readings would
7 show that, if you can tell me that vehicle, that will help
8 me to focus among the abundance of information I have, but
9 it's all to get at this issue of repair durability. Thank
10 you.

11 VICE CHAIR LAMARE: Thank you, Dr. Williams. Dr. Hisserich?

12 MEMBER HISSEICH: It's not on the list here, but it might
13 relate actually back to number one again and that is the
14 issue of the hybrid vehicles. We haven't really discussed
15 that very much and I don't know whether there's something
16 that we need to understand in relation to that or not, but I
17 was struck last night when I took the cab in from the
18 airport that they're now using the Highlander hybrid
19 vehicle, interestingly putting 70,000 miles on it in the
20 first 11 months of its operation, but now that those are
21 more prominently coming into the picture - in fact, the
22 cabdriver told me that they're going to try to replace the
23 entire fleet with the hybrid vehicles, it's interesting to
24 me that that's sort of growing as a component of the overall
25 fleet, and I don't have any idea what, if anything, there's

1 different. I know what's different about them, but I don't
2 know in terms of the issue of the SIP and how we count that
3 and what that might mean, so we might want to take a look at
4 that or at least begin to look at that.

5 VICE CHAIR LAMARE: Mr. Nickey?

6 MEMBER NICKEY: Well, hybrids, you can't ASM them, you can't do
7 a two-speed idle on them, so they're pretty much limited to
8 a visual inspection. They just exempted them all for ten
9 years.

10 MEMBER HISSERICH: Excuse me, but in that relation - it would
11 still be interesting to know in relation to calculating on
12 the SIP what the impact of that is because I don't know.

13 MR. CARLISLE: Right. You could OBD-only test them as well,
14 that would be another option.

15 VICE CHAIR LAMARE: One comment I had on this is, isn't the
16 International Registration Plan a program avoidance issue
17 and why would we call that out as a separate subcommittee
18 and not include it in number five?

19 MR. CARLISLE: You're right, we could.

20 VICE CHAIR LAMARE: And then seven and eight, we've separated
21 the consumer incentives from the motorist incentives and I'm
22 curious about that because I thought we had a working group
23 that was looking at incentives that would help program
24 performance for all the different groups in the program,
25 different players.

1 MR. CARLISLE: Yes.

2 VICE CHAIR LAMARE: So why do we have seven and eight separated
3 into two committees?

4 MR. CARLISLE: That was a specific request by the previous Chair
5 and so I had separated that, but that would make sense to
6 put those in - just consolidate seven and eight.

7 VICE CHAIR LAMARE: So I would like to invite the Committee
8 Members to now look at these committees and begin to think
9 about what committee you would like to volunteer for and
10 where your interest lies and also whether you see any
11 ability to combine items together to make the subcommittees
12 - to reduce the number of subcommittees we have since I
13 believe we have too many subcommittees here, or is there
14 something you can eliminate? Dr. Hisserich?

15 MEMBER HISSERICH: Well, I agree with you. I think we could
16 combine seven and eight and I'll volunteer to participate in
17 that as it relates to my field of professional training.

18 VICE CHAIR LAMARE: Thank you.

19 MR. CARLISLE: So we'll just call that seven?

20 MEMBER HISSERICH: Well, six, actually if we combine them.

21 VICE CHAIR LAMARE: Mr. Nickey?

22 MEMBER NICKEY: I think you could combine three and four because
23 they actually address the same issue, and I'd sure like to
24 be on that.

25 VICE CHAIR LAMARE: Yes.

1 MR. CARLISLE: Yes, I would agree.

2 VICE CHAIR LAMARE: Okay. I think this is going to be a really
3 important committee and also an area where we need to have a
4 lot more public hearing, public discussion, about what to
5 look for and how to prepare for. The agencies have
6 indicated that they've started preparing for 2010, but we
7 really haven't. We've talked about preparing for 2010, but
8 we haven't really prepared for anything. So I'm very
9 enthusiastic about that committee. I'm glad Mr. Nickey
10 wants to be on it. Anyone else volunteering for that
11 committee? Oh.

12 MEMBER WILLIAMS: Well, I volunteered for number two already.

13 VICE CHAIR LAMARE: Right, so Jeffrey's on two and Roger
14 Nickey's on - can we renumber these now - three. I want to
15 be on one - SIP. And Eldon also should be on one because of
16 his air quality expertise. Is that all right with everyone?
17 These are two-person committees, I believe.

18 MR. CARLISLE: Yes, they are.

19 VICE CHAIR LAMARE: So -

20 MEMBER DECOTA: I'd like to be on two with Jeffrey.

21 VICE CHAIR LAMARE: So Dennis DeCota would like to be on two,
22 Roger Nickey on number three, which is looking at the
23 future, and Eldon wants to be on that as well. I thought
24 you were on program avoidance, Jeffrey?

25 MEMBER WILLIAMS: I could be on that, too.

1 VICE CHAIR LAMARE: Jeffrey will also be on program avoidance.

2 And John Hisserich would also volunteer for program
3 avoidance and International Registration. And John is
4 committed to the incentives. And I would like to ask Mr.
5 Solorzano if he would also serve on that incentives program
6 because it has to do with marketing and small business and
7 users and consumers. I think that could be very helpful if
8 you're willing.

9 MR. SOLORZANO: I'll give it a shot.

10 VICE CHAIR LAMARE: Thank you.

11 MEMBER DECOTA: I would participate on that if you'd like.

12 VICE CHAIR LAMARE: And Dennis - well, Dennis, we have two -
13 we're going to do two-person committees so I think what we
14 need is like alternates so that if a committee member is not
15 available for a meeting or something you can call on the
16 alternate and also keep the alternates informed of all the
17 information that you're gathering for a committee and
18 meetings and so on. We can't have more than two committee
19 members at a meeting, but we can share information with an
20 alternate, don't you think?

21 MR. CARLISLE: No, we cannot.

22 VICE CHAIR LAMARE: Oh, okay. Could you explain -

23 MR. CARLISLE: I've already been through this with legal.

24 VICE CHAIR LAMARE: Sorry, I haven't been trained yet. So we
25 will not have alternates.

1 MR. CARLISLE: It's a very sensitive issue because it becomes a
2 surrogate meeting and that's their -

3 VICE CHAIR LAMARE: Well, there will be no meeting of the - oh,
4 you mean the sharing of information becomes a surrogate
5 meeting.

6 MR. CARLISLE: Right.

7 VICE CHAIR LAMARE: So, Bruce, we haven't got your favorite
8 topic on here. What are you interested in this year?

9 MEMBER HOTCHKISS: Well, I would have been interested in program
10 avoidance, but we've already got two people.

11 MEMBER HISSERICH: Well, you know what, I'll defer to Bruce on
12 that because that's an area that I know he knows a good deal
13 about so I'll defer on that one.

14 VICE CHAIR LAMARE: Okay, so we'll make a switch there.

15 MR. CARLISLE: So that's going to be Bruce.

16 VICE CHAIR LAMARE: Gideon we'll have to pin down later.

17 MR. CARLISLE: Well, since Gideon's left, we can just assign him
18 to something can't we? We actually have two Members absent.
19 We have Paul Arney and we have Gideon.

20 VICE CHAIR LAMARE: I see why we have so many committees now
21 because we can only have two Members on each committee and,
22 therefore, there's not enough committees to go around.
23 Mr. Solorzano?

24 MEMBER SOLORZANO: Yes, Madam Chair, I was understanding that
25 what Roger was indicating is to prioritize some of these and

1 what you're indicating is that you're going to make
2 committees out of all of these recommendations?

3 VICE CHAIR LAMARE: Well, on Page 1 of 1, the potential Smog
4 Check Program evaluation topics and subcommittees, we have
5 eight listed and we've just talked about scrunching together
6 and combining some of these topics so that - yes, I'm
7 cutting to the chase here which is one very bad habit that I
8 have of let's get moving and roll down the road.

9 MR. CARLISLE: These have been consolidated.

10 VICE CHAIR LAMARE: And you're probably going to have to
11 discipline me in that way, everyone here. So I'm already
12 down the road and the Committee hasn't had proper input into
13 how many committees we're going to have, but notice that in
14 combining, we have created an opening for maybe a new
15 committee or two so we have an opening here for a new topic,
16 other topics. Right now, we have one, a SIP topic, which
17 includes a lot of different things that are specifically
18 proposed by the Air Resources Board for the next SIP, so
19 what falls in there James has alluded to, most of us have
20 seen a list at one point, but we may find that other things
21 show up in that category because other people would like
22 them in the SIP and they aren't proposed by ARB. I don't
23 there are any conflicts here between that category and what
24 follows in other subcommittees, but it's possible. Number
25 two, Smog Check station performance. This is more about how

1 does Smog Check really work for repairs, specifically repair
2 durability. Number three is the future of Smog Check
3 Program in 2010 and OBD II testing and remote sensing. In
4 other words, more of a lookout in terms - I guess part of
5 that is just in terms of equipment options and technology
6 options for the future and what we ought to know about that.
7 Number three is program avoidance, including
8 procrastination, cheating, International Registration Plan,
9 how that affects the compliance with the Smog Check and
10 that's a legal out and we're not really clear on how
11 widespread, what the cost is, what the air benefit -

12 MR. CARLISLE: Right, we've reported on some of that on program
13 avoidance, but not on all of it.

14 VICE CHAIR LAMARE: And so five is incentives, using incentives
15 in the Smog Check Program to improve performance and air
16 quality benefit and health benefit. So were there other
17 topics that the Members of this Committee thought were
18 critical ones to be addressed this year that would not fall
19 on one of those committees? Let's take a minute to go back
20 to the longer list and also ask staff if they had any things
21 they thought were kind of left out of the final potential
22 list that you developed.

23 MR. CARLISLE: I was going to comment on program avoidance - not
24 program avoidance, but Smog Check station performance. I
25 have had discussions with Sierra Research and Steve had put

1 together a - I won't call it a triggers, but I'll call it a
2 valuation methodology for Smog Check stations and I have run
3 that by Sierra Research to see what they thought of that and
4 it came very close to what they had actually developed in a
5 2001 report for EPA, but they're taking the methodology that
6 we suggested and they're going to give us an estimate of
7 what it would cost to actually run data using that
8 methodology to rank station performance and I should have
9 that by this Friday. So they're just giving it an estimate
10 of the cost.

11 VICE CHAIR LAMARE: And that fits within Smog Check station
12 performance?

13 MR. CARLISLE: Yes.

14 VICE CHAIR LAMARE: Well, I would also expect that subcommittee
15 to be tracking with the Air Resource Board and the Bureau of
16 Automotive Repair, research study with Sierra Research on
17 the re-fail rate.

18 MR. CARLISLE: Yes.

19 VICE CHAIR LAMARE: And they're doing a multiple variable
20 analysis of what different reasons there are for high re-
21 fail rate.

22 MEMBER WILLIAMS: This is less a subcommittee than just a topic
23 relating to everything. I've mentioned it before. I think
24 we need to understand what's going on with the HEP and how
25 well it's predicting inside it, especially as we move

1 towards a program where it has so many different cut-points.
2 Just understanding that, I don't know that a subcommittee
3 needs to investigate it, but I don't -

4 VICE CHAIR LAMARE: Does it not fall within any of our
5 subcommittee categories? The HEP is about identifying
6 vehicles likely to fail and -

7 MEMBER WILLIAMS: I guess - but that's not -

8 VICE CHAIR LAMARE: - that has to do with direction of vehicles
9 to test-only.

10 MR. CARLISLE: I did discuss the presentation with Sherry Mehl
11 and they are setting up a presentation for us for the HEP
12 February or March. They're going to coordinate with ERG so
13 that if Dr. Williams really wants to get into the minutia,
14 there will be somebody that can talk his language so to
15 speak.

16 VICE CHAIR LAMARE: That's great. I think we really must have a
17 subcommittee on particulate matter testing. That doesn't
18 mean that I think we have to make a recommendation about
19 particular matter testing, but I think we've raised the
20 issue, we've asked the questions, I for one have none of the
21 answers. I don't feel that much better informed than a year
22 ago on what this is about. Perhaps I need to do my own
23 homework, but I feel that this Committee is a place where we
24 can do our homework together and I would like to assign
25 Gideon to be the chair of that committee because I think

1 that Gideon really is very interested in health-based issues
2 and this is an area where none of us have any expertise and
3 we're just asking questions and trying to find out what's
4 going on and where we are, where we are in terms of are we,
5 as Californians, leading the pack in controlling particulate
6 matter from gasoline-burning motor vehicles or is somebody
7 else getting ahead of us. So I think that's a topic that
8 Gideon would enjoy, and if not, we'll come back and change
9 it. Is there anyone else that would like to be on that
10 committee? Is everyone assigned? Paul Arney, yes. We can
11 put Paul on there, too.

12 MR. CARLISLE: I will tell you I spoke with Nichole Rice in the
13 Governor's office last week and possibly we'll have two more
14 appointments next month to the Committee.

15 VICE CHAIR LAMARE: Would that be just outstanding.

16 MR. CARLISLE: She couldn't promise it, but they were working on
17 it. They were aware that - of the recent resignation of Vic
18 Weisser.

19 VICE CHAIR LAMARE: We possibly might need a bigger room. We're
20 missing two -

21 MR. CARLISLE: We're down three Committee Members.

22 VICE CHAIR LAMARE: And we have vacancy from Assembly -

23 MR. CARLISLE: Governor, two Governor appointee's, I believe,
24 and the Assembly.

25 VICE CHAIR LAMARE: Okay. Now, are there any other comments or

1 questions about how to prepare for doing a report this year?
2 Does the public have any comment or question about the
3 report preparation planning for this year, any suggestions?
4 James?

5 MR. GOLDSTENE: You'll have your hands full. James Goldstene
6 from ARB. One of the things that we're beginning to think
7 about is what the Smog Check Program will look like in five
8 or ten years, which is at this point I suppose more of a
9 visioning exercise, but maybe the Committee wants to
10 consider approaching something along those lines as you're
11 thinking about looking at the specific details of what we
12 have in front of us. Maybe there's an opportunity also to
13 look out or predict or guide what the program should look
14 like many years in the future.

15 VICE CHAIR LAMARE: So can we call this subcommittee future,
16 number three, and under that put Smog Check Program 2010,
17 OBD II. I thought it was OBD III was the future.

18 MR. CARLISLE: That's under discussion and it's being used - you
19 know, it's actually out there and in some respects you could
20 argue On Star is OBD III. It's got the bi-directional
21 capabilities, but it's never been classed as OBD III yet.

22 VICE CHAIR LAMARE: Now I'm starting to question lumping number
23 three and number four into the same category. Well, I think
24 that's still safe because you're talking about new
25 equipment. Like Chief Mehl said, the BAR-97 is reaching the

1 end of its life. It's a PC, it's a 383 and I seriously
2 doubt anybody is still operating at home with a 383 PC. In
3 fact, one manufacturer of the dynamometer has already
4 discontinued manufacturing the control boards, and so one of
5 the equipment manufacturers had to design their own board.
6 I think it was Worldwide that actually did that for their
7 dynamometers, so the handwriting is on the wall. The piece
8 of equipment has been in use now for - this will be the
9 tenth year.

10 VICE CHAIR LAMARE: Okay, but in subcommittee three, can we then
11 rename that future directions and include within that smog
12 Check Program visioning beyond 2012 and also equipment
13 changes and technology changes and if necessary, we may find
14 that we need to break that into another committee, it has
15 too much. And I also wanted to ask whether we could put
16 into Smog Check station performance the concept of the audit
17 flag that Charlie Peters brought up this morning to get the
18 Committee Members thinking about is that a feasible
19 methodology for following and learning more about - it
20 starts to get into the enforcement arena and we have no
21 committee on enforcement this year.

22 MR. CARLISLE: Right.

23 VICE CHAIR LAMARE: But let's just call it performance.

24 MR. CARLISLE: The other issue is, with regard to this report I
25 was talking about, there's actually a methodology to rank

1 stations to determine their degree of poor performance
2 versus high performance and it's using all VID data. You
3 really don't need somebody onsite. There's enough metrics
4 and indicators within the data itself, they've actually
5 developed a methodology to do that, so that's actually a
6 pretty exciting analysis and I'm sure Dr. Williams would
7 enjoy seeing that.

8 VICE CHAIR LAMARE: Okay, so let's review and see if people are
9 comfortable with this. We have a SIP committee, which is
10 going to be responsible for looking at all the measures that
11 the ARB is proposing for the new SIP, as well as what other
12 agencies or interest groups think need to be in the SIP and
13 bringing the key issues to this Committee for discussion.
14 And I will be on that committee and Eldon will be on that
15 Committee. And since I'm chairing IMRC, Eldon, would you
16 like to chair this subcommittee? You're willing to do that?
17 Smog Check Performance, was that Jeffrey and Dennis? And
18 the Future Analysis - Future of Smog Check, Mr. Hickey - I'm
19 sorry, Mr. Nickey. Am I getting tired? I'm glad this is
20 going to be a short meeting. Mr. Nickey, who else was on
21 your committee? We want to get everything we can out of
22 Eldon. Yes, we may need to do that. Program Avoidance -
23 Jeffrey's on another committee and Bruce, so Bruce, you
24 better chair that one, okay? Good. And Incentives for
25 Motorists, Shop Owners, Consumers, John Hisserich and Skip,

1 not Rick. I'm tempted to say Rick and it's not even close.
2 Skip Solorzano and that combines all of those incentive
3 programs. And then for PM 2.5 Testing and Repair, I don't
4 know where that's just an opening up of learning more,
5 Gideon and Paul. Did I cover everyone then?

6 MR. CARLISLE: Yes, I think so.

7 VICE CHAIR LAMARE: And we have some Members who are on more
8 than one committee. This will sort of get us started.
9 Bruce?

10 MEMBER HOTCHKISS: This may be a little off-topic, but it's kind
11 of on-topic as well. Rocky mentioned the On Star and you
12 talked about OBD III and I'm just wondering if it might be a
13 good idea to see if we can get a presentation from some of
14 the manufacturers. GM is not the only one that has a bi-
15 directional system now and it is -

16 VICE CHAIR LAMARE: What's a bi-directional system?

17 MEMBER HOTCHKISS: It can receive and send.

18 MR. CARLISLE: Two-way communication.

19 MEMBER HOTCHKISS: Yes and it's the coming thing and I think it
20 will have drastic impact on the industry and I don't think
21 it's that far down the road where a lot of vehicles will not
22 have to come in for a smog inspection. It will be done
23 through a satellite and if we're looking at future
24 technology, it might be a good idea to see if we can get a
25 presentation from some of the people that are putting this

1 equipment in vehicles now.

2 VICE CHAIR LAMARE: Okay, thank you. Now let's hear from
3 members of the public, what their reaction is to anything
4 that we have talked about on preparing for a report,
5 organizing ourselves for, the topics, and future agenda
6 items. Dean Saito? And then Carl and who else had their
7 hand up? Larry and then Charlie.

8 MR. SAITO: Thank you, Madam Chair. Just a reminder, this is a
9 critical year for local air districts to adopt SIPs and
10 we're talking SIPs for attainment demonstrations for future
11 years, 2014 for fine particulate matter, and 2020 for eight-
12 hour ozone standards. So we're talking very far off future
13 commitments for SIP inclusion to show attainment. The South
14 Coast has to have their plan adopted and submitted to EPA by
15 June of this year, so we are talking about improvements to
16 Smog Check that go out to 2014 and 2020 and the only I
17 wanted to remind IMRC was that we are planning to
18 incorporate things like OBD III, like establishing PM cut-
19 points, as part of our SIP strategy for the Smog Check
20 Program. So just because they may not be characterized in
21 your category one doesn't mean it's not necessarily going to
22 be a SIP measure for the Smog Check Program. Thank you.

23 VICE CHAIR LAMARE: Thank you, Dean. So maybe one way of
24 prioritizing what we're going to look at are things that are
25 in multiple subcommittees and bring them to the whole IMRC

1 for arousing discussion and, of course, IMRC is interested
2 in and tracking where folks are going so that we remain
3 knowledgeable and can independently research those issues.
4 Who was next, was it Carl? Please I.D. yourself, though.

5 MR. NORD: Yes, Carl Nord, Environmental Systems Products.

6 We're participating in a BAR pilot on wireless OBD and, if
7 the Committee would like, I'd be happy to come in and do a
8 brief presentation on what it's about.

9 VICE CHAIR LAMARE: Well thank you, thanks. Larry Nobriga?

10 MR. NOBRIGA: Larry Nobriga, Automotive Service Councils of
11 California. Relative to program avoidance, I'm wondering if
12 it would be possible to I guess qualify or quantify the
13 number of vehicles that are registered maybe in change of
14 ownership areas that live in either basic or enhanced areas
15 and then also it's not avoidance, but how many vehicles that
16 live in change of ownership areas do business regularly in
17 your enhanced areas. I think that those are two important
18 factors.

19 VICE CHAIR LAMARE: Larry, thank you for that comment and it
20 does remind me that there are folks who would be very
21 interested in having us look at an issue of folks who live
22 outside the enhanced area, but work in the enhanced area,
23 why they are not required to get enhanced smog check.

24 MR. NOBRIGA: Along that line also, would a statewide biennial
25 inspection make sense? It wouldn't have to be enhanced.

1 Basic or enhanced tells you that the people who are in
2 change of ownership areas that probably commute somewhere at
3 some time or another, make sure that their emission controls
4 are in fact operable.

5 VICE CHAIR LAMARE: Thank you. And I think - who was next? Was
6 that it? Charlie, I thought, and then Len and then Mike
7 Cherry.

8 MR. PETERS: You - I'm Charlie Peters, Clean Air Performance
9 Professionals representing motorists. You asked if somebody
10 had a reaction to what you had said and the committees you
11 set up. My reaction is I'm shocked. I heard something
12 about a suggestion that I made this morning being
13 considered. That's amazing. Shocked. Looking at my little
14 list here that I've been carrying around for a decade or
15 better, another issue is evaluation of ancillary effects,
16 program causes things to happen but not give appropriate
17 credit for that. Require all persons performing smog checks
18 to be licensed, government fleets are inspected by people
19 who don't have a license. The government kind of does what
20 it wants, but performing would be better. We have 1.43
21 million daily rental trucks running around California that
22 never get a smog check, with the requirement that if they're
23 out of state one day a year to be eligible. That's just one
24 part of a possibly much larger group of cars that may be
25 should be considered. Requiring smogs to be done by people

1 that are not the owner of the vehicle, which could be a
2 whole lot of fleets, which may be a huge opportunity for
3 performance. Evaluate the level of unlicensed repairs
4 taking place to vehicles failed in the Smog Check Program
5 that requires a license, look at possibilities of improving
6 performance that requiring that they get done in a license
7 stations. An official approved manuals, having somebody to
8 work on improving the consistency and quality of the manuals
9 to that you've got appropriate information from which to
10 inspect the car are things that maybe possible to consider
11 in your process. Thank you, Madam Chair.

12 VICE CHAIR LAMARE: Thank you, Mr. Peters. Len Trimlett?

13 MR. TRIMLETT: Len Trimlett, Smog RFG. For the last five years,
14 I've been telling this Committee that this remote sensing
15 system does not work. It can't handle motorcycles, it can't
16 handle pickups with lift kits, it can't handle fifth-wheel
17 trailers, it can't handle diesel vehicles, it can't handle
18 semis. Other than that, it works fine. Now, that's all
19 based on analysis of the spec 5809, dated 2002. Okay? I've
20 been asking for data to find out exactly what it can handle.
21 Last November, a test was run down in the Central Valley.
22 They put 332 vehicles through remote sensing at the Delta
23 Junior College. That's a controlled situation in which all
24 of these exceptions are removed. Paragraph two from the
25 report says it all. After the first few minutes of RSD

1 testing, BAR staff increased the remote sensing high-emitter
2 cut-points from four percent to five percent. Five hundred
3 to 1,000 ppm and 500 to 1,000 ppm for a CO, hydrocarbons and
4 carbon monoxide respectively. Of the 332 bean blocks,
5 that's 332 vehicles, valid RSD measurements for all three
6 pollutants were obtained for 160 vehicles, 160 vehicles out
7 of 332 vehicles.

8 VICE CHAIR LAMARE: Mr. Trimlett, are you asking us to include
9 this study in some future program or Committee work?

10 MR. TRIMLETT: Yes, I'm asking you to -

11 VICE CHAIR LAMARE: We will do so. Thank you.

12 MR. TRIMLETT: I'm asking you to - let me finish. What I'm
13 saying is -

14 VICE CHAIR LAMARE: This doesn't seem to be about our report.
15 Your comment seems to be about someone else's report.

16 MR. TRIMLETT: No, I'm using the data that's been provided
17 elsewhere. My point is this report says that one out of
18 every two vehicles, the measurement was invalid. That's -

19 VICE CHAIR LAMARE: I don't see what this has to do with our
20 report, our planning for our report. You have to address
21 our issues.

22 MR. TRIMLETT: That's what I'm asking. I'm asking you to add an
23 item on your list to deal with why is the performance of
24 remote sensing so poor.

25 VICE CHAIR LAMARE: Okay, performance of remote sensing, I

1 believe, is being included in our subcommittee number three,
2 so thank you.

3 MR. TRIMLETT: I have a - I also have a CD with the files where
4 this came from and I'll be glad to provide it to whoever's
5 on that committee. I'd like to know why performance is so
6 bad.

7 VICE CHAIR LAMARE: Thank you, Mr. Trimlett. Are there other
8 public comments about our report and our report planning?
9 Mr. Cherry?

10 MR. CHERRY: A couple of things you were talking about in your
11 planning process were of interest to me. One of them was
12 the avoidance issue. I can give you a personal anecdote. I
13 was out last week soliciting fleet business for my oil
14 change side and ran across one account that he was quite
15 happy with where he was getting his oil changed and I said,
16 who's doing your smog checks? And he said we don't have
17 smog checks now. And I said, what's your fleet that new
18 that you don't have to have the cars inspected? He goes,
19 no, they're registered in an area where they don't have to
20 be smogged. So I think there could well be - and this is a
21 100-truck fleet, there could well be a lot of fleets that
22 are avoiding the Smog Check issue. And the other issue is
23 why cars don't stay repaired and I don't know, are you still
24 doing roadside testing or not?

25 VICE CHAIR LAMARE: The Bureau of Automotive Repair is still

1 doing roadside testing.

2 MR. CHERRY: Still doing that. Well, that seems to me like that
3 would be a good place to determine what's going on there and
4 to target that problem.

5 VICE CHAIR LAMARE: Yes.

6 MR. CHERRY: And that's it. Thank you.

7 VICE CHAIR LAMARE: Thank you for your comment, Mr. Cherry. Any
8 further comments on the report? Are we ready to launch our
9 year? All right, thank you.

10 --oOo--

11 VICE CHAIR LAMARE: And so we have talked about future agenda
12 items. Are there any additional future agenda items that
13 Members of the IMRC wanted to bring to staff's attention?
14 You can always email Rocky. Rocky, no emails from our
15 webcast? No input? Okay.

16 --oOo--

17 VICE CHAIR LAMARE: And are there any other further public
18 comments. We have a few minutes. Bud Rice?

19 MR. RICE: Bud Rice, Quality Tune-Up Shops. Two quick comments.
20 The first one is I would also rise in support of the audit
21 flag concept and I like the idea that you guys are looking
22 at as well. The second one, I'm not quite sure how to say
23 this, but I was kind of wondering if it would be possible to
24 put a little heat on Rocky for a minute. It would be great
25 if there was some kind of a clearing house so to speak that

1 had all of this stuff that's going on, somewhere centrally
2 located so you could find this stuff. I mean, if there was
3 a hearing on SB99, how do I know that? So if there was a
4 page on the IMRC website that said here's all the things
5 that are happening that you might have an interest in, I
6 might go, no, no, oh, I like that one, and be able to drill
7 down and see when that meeting was going to be, where it was
8 going to be and what the context of what it was going to be,
9 I think you'd get some public participation because you just
10 can't find the stuff, but there's stuff happening at CARB,
11 there's the BAG meetings, there's the SB stuff that's going
12 on, there's workshops, there's Senate Trans meetings, all
13 this stuff going on and it just, for a member of the public,
14 it is just impossible to keep up with that stuff without
15 there being some kind of a clearinghouse for that stuff.

16 VICE CHAIR LAMARE: Great suggestion. Thank you, Mr. Rice.

17 MR. RICE: Thank you.

18 VICE CHAIR LAMARE: Rocky?

19 MR. CARLISLE: Yes, I actually like that suggestion. I'll
20 research it and see what the possibilities are. Trying to
21 bring all these entities and that information under one
22 umbrella would be - I don't think it's impossible.

23 VICE CHAIR LAMARE: Events and links.

24 MR. CARLISLE: Yes, just create links on our website and they
25 could go right to that information because like he says,

1 some of the information is very difficult in spite of the
2 fact that all California agencies are reigning their
3 websites for ease of access.

4 VICE CHAIR LAMARE: Well, especially because we have a program
5 that is implemented by one agency and fits the program of
6 another agency and then we have all the air districts that
7 are very concerned about it. So we're in a position where
8 we might be able to provide some service to a variety of
9 folks.

10 MR. CARLISLE: Right. No promises, but I'll certainly research
11 that.

12 VICE CHAIR LAMARE: Thank you. So any further comments? Mr.
13 Peters.

14 MR. PETERS: Thank you, Madam Chair and Committee. My name is
15 Charlie Peters, Clean Air Performance Professionals. I'm
16 here representing motorists. Madam Chair, I found the
17 comments by Mr. Saito concerning them being required to
18 provide a SIP to the Fed. That confuses me. I thought the
19 process was that CARB did that. I've noticed a little
20 debate on that issue in the last couple of days in the L.A.
21 Times and significant amounts of money being spent for
22 lobbyists and so on and trying to push the Fed into doing
23 what they want and so on. I've petitioned South Coast.
24 They've matter of fact - when they have the fifth meeting,
25 they shut it down, reconstituted it, to consider the

1 possibility of a quality audit to improve performance and
2 agreed to do that. Of course I never heard from anybody at
3 all. But I don't think that's how it's supposed to work. I
4 think the CARB is supposed to do that. As well as the issue
5 for the responsibility for Smog Check I think was shifted to
6 the Department of Consumer Affairs, Bureau of Automotive
7 Repair in 1994, January of 94, and I think that still is the
8 rule. So I think it's the Bureau of Automotive Repair
9 that's the responsibility entity here and there's certainly
10 nothing wrong with putting input into them and be empowered
11 to make a decision, but unless I'm just totally confused,
12 that's how it ought to be. So I would just thank you for
13 allowing me to share my opinions that maybe what you're
14 being told is not exactly - maybe that's wishful thinking
15 that everybody would like to have all the power and control
16 and be able to do everything there way, but fortunately we
17 have a system and we have a process that allows public input
18 and all that funny stuff which is pretty neat. I appreciate
19 it. So we appreciate you allowing us to be here and we
20 appreciate your consideration. I did give you a list of
21 things. I did not hear any response on those. I think each
22 one of those is critically important. When we license a
23 smog mechanic to do smog inspections and we have invalid
24 information as to what even equipment is required under the
25 hood, I think that deserves some consideration by somebody

1 to try to start working on improving that. And I think the
2 opportunities that everybody in the industry knows that we
3 have, we're dealing with invalid information every day, all
4 day and that is a disservice to the public in my view.
5 Issues of the requirement that we have a licensed process,
6 the people that do smog, failed smog repairs have to be
7 licensed and we certainly could look at that. Thank you,
8 Madam Chair.

9 VICE CHAIR LAMARE: Thank you, Mr. Peters. So I will admonish
10 the Committee and everyone who enjoys IMRC so much that we
11 will have a much longer meeting next month and I welcome
12 everyone to the new year and thank you for being here. And
13 with that, I will close the IMRC - oh, we have to take a
14 vote. Dennis DeCota moved that we close the IMRC and second
15 from John Hisserich. All those in favor?

16 ALL MEMBERS: Aye.

17 VICE CHAIR LAMARE: Anyone opposed to stopping the meeting and
18 going and having lunch? No. Meeting is adjourned. Thank
19 you.

20 - MEETING ADJOURNED -
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TRANSCRIBER'S CERTIFICATION

This is to certify that I, TERRI O'BRIEN, transcribed the tape-recorded public meeting of the Bureau of Automotive Repair dated January 23, 2007; that the pages numbered 1 through 82 constitute said transcript; that the same is a complete and accurate transcription of the aforesaid to the best of my ability.

Dated February 1, 2007.

Terri O'Brien, Transcriber
Foothill Transcription